

**MINUTES OF THE MEETING OF THE  
ROWAN COUNTY BOARD OF COMMISSIONERS**

**April 15, 2013 – 6:00 PM**

**J. NEWTON COHEN, SR. ROOM**

**J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING**  
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Present: Jim Sides, Chairman  
Craig Pierce, Vice-Chairman  
Jon Barber, Member  
Mike Caskey, Member  
Chad Mitchell, Member

County Manager Gary Page, Clerk to the Board Carolyn Barger, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Sides convened the meeting at 6:00 p.m.

Chairman Sides provided the Invocation and also led the Pledge of Allegiance.

Chairman Sides announced an annual Special Waste Recycling Event that would be held on May 1, 2013 and be free to the public. Chairman Sides encouraged the public to take advantage of the free opportunity to dispose of various items and also expressed appreciation to county staff for coordinating the event.

**CONSIDER APPROVAL OF THE MINUTES**

Commissioner Barber moved, Commissioner Pierce seconded and the vote to approve the minutes of the March 18, 2013 Emergency Meeting, March 25, 2013 and April 1, 2013 Commission Meeting passed unanimously.

**CONSIDER ADDITIONS TO THE AGENDA**

- Commissioner Pierce moved to add a discussion for the disposition of the former Department of Social Services building located on West Innes Street. The motion was seconded by Commissioner Barber and passed unanimously.

Chairman Sides added the issue as agenda item #6a.

- Chairman Sides moved to add a discussion regarding an email received from Sheriff Auten pertaining to a machine gun the Sheriff's Department had in its possession since 1966. The motion was seconded by Commissioner Pierce and passed unanimously.

Chairman Sides added the issue as agenda item #6b.

- Chairman Sides moved to add a Prayer Policy as item H to the Consent Agenda. The motion was seconded by Commissioner Pierce and passed unanimously.

### **CONSIDER DELETIONS FROM THE AGENDA**

There were no deletions from the agenda.

### **CONSIDER APPROVAL OF THE AGENDA**

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the agenda passed unanimously.

#### **1. CONSIDER APPROVAL OF CONSENT AGENDA**

Commissioner Barber moved approval of the Consent Agenda. The motion was seconded by Commissioner Pierce and passed unanimously.

The Consent Agenda consisted of the following:

- A. Purchase Administrative (Finance and Human Resources) Software
- B. Planning Services Contract for Town of China Grove
- C. FAA Ground Lease Renewal for Remote Transmitter Receiver Equipment
- D. Transfer of Vehicles with Rescue Squad
- E. Contract for Inmate Healthcare Services
- F. Proclamation for Relay for Life
- G. Proclamation for Guardian Ad Litem Child Advocate Month
- H. Policy Regarding Opening Invocations Before Meetings of the Rowan County Commission (addition to the Consent Agenda)

#### **2. PUBLIC COMMENT PERIOD**

Chairman Sides opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. The following individuals came forward:

- Larry Wright spoke in support of the Board opening meetings with sectarian prayer.

With no one else wishing to address the Board, Chairman Sides closed the Public Comment Period.

### **3. QUASI-JUDICIAL HEARING FOR CUP 03-13**

Chairman Sides read the Chairman's Speech (Exhibit A) and declared the public hearing for Cup 03-13 to be in session. Chairman Sides said the hearing would focus on an application submitted by 02 Energies Inc. to construct and operate a 3.5 megawatt ground mounted solar energy system on Tax Parcel 427-009 located at the 3400 block of Earnhardt Road.

The Clerk swore in those wishing to provide testimony in the case.

Senior Planner Shane Stewart provided the Staff Report (Exhibit B) and also provided a power point presentation (Exhibit C). Mr. Stewart said 02 Energies Inc. requested a conditional use permit to construct a 3.5 megawatt ground mounted photovoltaic solar energy system on a 63.3 acre tract. Mr. Stewart said ZTA 03-1 amended the Zoning Ordinance to permit solar energy systems in the Rural Agricultural (RA) zoning district subject to the issuance of a conditional use permit in lieu of requiring Commercial, Business, Industrial (CBI) or Industrial (IND) zoning.

Using the power point presentation (Exhibit C), Mr. Stewart showed the site and the surrounding areas, as well as various types of solar panels.

Mr. Stewart reviewed the conditional use requirements and evaluation criteria listed in the Staff Report (Exhibit B).

Mr. Stewart said if the request was approved, Staff encouraged consideration of the following conditions:

1. Obtain an erosion and sediment control plan prior to the issuance of zoning/building permits or any other site activity.
2. Establish and maintain an all-weather access road from the end of the state maintenance portion of Earnhardt Road to the proposed parking area.
3. Maintain signage at the facility entrance warning visitors of potential hazards.

Mr. Stewart provided the Board with suggested Findings of Fact (Exhibit D).

Logan Stevens, representing 02 Energies, thanked Planning Staff for their assistance in developing an ordinance to assist with the Company's project. Mr. Stevens said he would be glad to answer any questions the Board might have.

Commissioner Pierce expressed appreciation to 02 Energies for choosing Rowan County.

Chairman Sides explained that there was a major facility like 02 Energies “across the river” in another county and he was surprised to find out how much energy was actually generated.

Chairman Sides asked Mr. Stevens if he was in agreement with the three (3) conditions suggested by Staff. Chairman Sides also asked if the costs to adhere to the conditions were substantial for the Company. Mr. Stewart responded to the questions and explained that condition #1 was state law and required a plan. Mr. Stewart said the company was comfortable with item #3 and item #2 was for the purpose of having some gravel on the road as opposed to a mud road. Mr. Stewart said the conditions were at the Board’s discretion.

Mr. Stevens added that he had no problem with conditions #2 and #3. Mr. Stevens referred to condition #1 and said 02 Energies activities would disturb less than an acre making the company exempt from the requirement for an erosion control plan. Mr. Stevens said the property owner had been doing work to prepare the site for agricultural purposes and 02 Energies did not have any involvement in the site preparation.

Mr. Stewart said the Board could impose a condition stating before a zoning permit was issued for the facility that it maintains approval with the Environmental Management Office.

County Attorney Jay Dees said the erosion control plan was a State requirement the County enforced.

Chairman Sides said it should be understood that either the property owner or the applicant would bear the expense and not the County. Chairman Sides said the restriction would require 02 Energies to work with the property owner. Mr. Stevens responded that the Company would like the opportunity to meet the requirements of the jurisdiction and get a waiver.

Mr. Dees explained that Mr. Stewart was suggesting to modify the condition to state as approved by the Environmental Services Department. Mr. Dees said Environmental Services would have to give approval before 02 Energies could proceed with a zoning permit.

With no further testimony to be provided, Chairman Sides closed the public hearing.

Commissioner Mitchell moved that the development of the property in accordance with the proposed conditions will not materially endanger the public health or safety.

FACT: The proposed warning signage and 6 foot fence will both warn individuals of potential hazards and restrict unauthorized access.

FACT: Panel construction will be in accordance with the Building Codes Enforcement Office and engineering certifications to ensure the panels are properly installed and securely anchored.

The motion was seconded by Commissioner Pierce and passed unanimously.

Commissioner Mitchell moved that the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity.

FACT: No material evidence was presented suggesting this request would injure property values.

The motion was seconded by Commissioner Pierce and passed unanimously.

Commissioner Mitchell moved that the location and character of the development in accordance with the proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans.

FACT: Planning Staff provided testimony regarding potential noise, glare, and dust impacts for the operation based on industry research and a visit to a similar facility in Mount Airy, NC known as the Ararat Solar Farm.

FACT: Noise levels for the internally located inverters were nearly non-existent at the fencing limits.

FACT: Glare from panels appeared no more evident than that from common land features or improvements.

FACT: Evidenced from the aerial photography, the nearest residential uses are nearly ¼ mile from the proposed panels.

FACT: The proposed solar energy system is located adjacent to a 103 acre IND zone comprised of an active dimensional stone quarry.

FACT: The Eastern Rowan Land Use Plan recognizes the numerous resource based industries in quarries and forestry related uses in eastern Rowan. As such, this use would capture the solar energy resources and provide a “clean” energy option.

The motion was seconded by Commissioner Pierce and passed unanimously.

Commissioner Mitchell moved approval of CUP 03-13 with the conditions as recommended by Staff with change to #1 with flexibility given by the County's

Environmental Management Department. The motion was seconded by Commissioner Pierce and passed unanimously.

#### **4. SNIA 02-13 CONSIDERATION: PEDULLA MATERIALS AND LANDSCAPE SUPPLY**

Planning and Development Director Ed Muire said Pedulla Materials and Landscape Supply, LLC submitted SNIA 02-13 for consideration of a materials and landscape supply business at 1255 Shinn Farm Road. The property owner, Micter, LLC, owns an adjoining business and both parcels are zoned Industrial (IND).

Mr. Muire said due to the property's location in the Coddle Creek Watershed, impervious coverage for non-residential development was limited to 12% of the lot size. Mr. Muire said site plan approval by the Board may grant an increase of impervious cover up to 70% of the lot.

Commissioner Pierce moved, Commissioner Barber seconded and the vote to approve SNIA 02-13 passed unanimously.

#### **5. CONSIDER REQUEST FROM TOWN OF CHINA GROVE FOR SALES TAX REIMBURSEMENT**

County Manager Gary Page reported that in June 2012, the Town of China Grove received notice from the US Census Bureau that their population count appeal had been approved. The Town's appeal resulted in an increase in population of 594, or from 3,569 to 4,163.

In Rowan County, all sales tax shared with the towns is distributed on a per capita basis by the NC Department of Revenue. With an under-count of 594 residents, the Town received approximately \$97,325.95 less than their fair-share in fiscal year 2011-2012.

The Town has requested the County reimburse them for the lost revenue. Since the Town's population was under-counted, Rowan County received more of the distribution of taxes for that particular year. During the past six months, the County contemplated an appeal to the Census Bureau regarding a possible under-count. Staff determined it would be difficult to defend an increase in our number, and could result in more errors in the distribution calculation for all the towns. This is the main reason for the delay in responding to the Town's request from June.

Chairman Sides moved to reimburse the sales tax to the Town of China Grove and to approve the budget amendment as presented. The motion was seconded by Commissioner Pierce and passed unanimously.

#### **6. CONSIDER ALLOWING RESCUE SQUAD AND RUFTY HOLMES SENIOR CENTER EMPLOYEES TO PARTICIPATE IN COUNTY'S HEALTH INSURANCE GROUP PLAN**

Chairman Sides said the Board held past discussions as to whether to allow the Rescue Squad (Squad) and Rufty Holmes Senior Center (RHSC) employees to

participate in the County's health plan at the County rate. Chairman Sides reported there would be some savings to the Squad, as well as to the RHSC.

Chairman Sides said the County was proposing to use the Squad's savings to fund their equipment replacement and keep it updated. Chairman Sides said the replacement schedule would keep the Squad from having to seek additional funds from the County each year.

Commissioner Caskey said the RHSC currently had seven (7) employee on its' insurance. Commissioner Caskey said allowing those employees to be covered under the County's plan would save them approximately \$1,850 per month, or \$22,200 per year. Commissioner Caskey said under sequestration, the RHSC would lose approximately \$19,000 for this year and another \$51,000 next year.

Commissioner Barber moved to approve consideration of the Rowan County Rescue Squad and the Ruffy Holmes Senior Center to begin participation in the County's health insurance group plan. The motion was seconded by Commissioner Pierce and passed unanimously.

### **ADDITIONS**

#### **6a. DISCUSSION FOR THE DISPOSITION OF THE FORMER DEPARTMENT OF SOCIAL SERVICES BUILDING LOCATED ON WEST INNES**

Commissioner Pierce said the Board had discussed the possibility of creating a business incubator. Commissioner Pierce said he had talked to Dr. Carol Spalding, President of Rowan Cabarrus Community College (RCCC), regarding the matter and one of the drawbacks for RCCC was the lack of space. Commissioner Pierce continued by saying he would like to make the former Department of Social Services (DSS) building on West Innes Street available for use as a business incubator through the Economic Development Commission (EDC). Commissioner Pierce said the building would be available to the EDC and RCCC and that he would also like to invite the City of Salisbury (City) to participate.

Commissioner Pierce moved to make available the former DSS building to the EDC for their control and to habitate as their offices, and to make available to the college and any other institution such as the City of Salisbury, Livingstone College, or any other municipality to participate in a business incubator or any other service the EDC sees necessary to fit for that occupancy of the building. Commissioner Pierce said the motion was with the understanding that if the building would not be occupied by any of those organizations, the deed would revert back to the County. The motion was seconded by Commissioner Barber.

Commissioner Barber said the business incubator would be a great economic development tool for the County. Commissioner Barber explained that the County would not be taking funds to get the project started but rather the EDC

would come back to the Board to discuss how the project would look and to discuss funding sources. Commissioner Barber said he would like to include a food incubator to show the Board's support of the agriculture industry.

Commissioner Caskey supported the proposal and said he looked forward to the County and City working together on a positive project.

Chairman Sides said it bothered him the building has been empty since the DSS consolidation. Chairman Sides said the County continued to pay utilities and insurance on the building and the building needed to be put to use. Chairman Sides said he was interested in making the building available with the understanding the EDC can obtain grant money to help upfit the building for use as a business incubator.

Upon being put to a vote, the motion on the floor passed unanimously.

#### **6b. DISCUSSION REGARDING SALE OF GUN IN POSSESSION OF SHERIFF'S DEPARTMENT**

Chairman Sides said the Board had received an email from the Sheriff regarding a machine gun that had been in possession of the Sheriff's Department since 1966. Chairman Sides said the gun was a valuable piece of history.

Chairman Sides moved to allow the Sheriff's Department to advertise the gun for sale to highest bidder and allow the Sheriff to use the funds for needs as he sees fit. The motion was seconded by Commissioner Pierce and passed unanimously.

#### **7. CONSIDER APPROVAL OF BUDGET AMENDMENTS**

Finance Director Leslie Heidrick presented the following budget amendments for the Board's consideration:

- Cooperative Extension – To budget revenues and expenditures for 4H and Family Consumer Science Programs - \$5,155
- Parks – Transfer \$7,000 from Senior Games Restricted Donations Revenue Account into the Senior Games Activities to cover expenses for 2013 season
- Sheriff – Recognize revenue in concealed weapon and budget to expense account to cover State bills - \$21,825
- Sheriff – Recognize new revenue and budget funds to cover obvious shortfall in account - \$3,053
- Social Services – Budget funds for foster care visits in expense and revenue line items - \$9,771
- Social Services – Appropriate donated revenues to coordinating expense account in order to provide goods and services to clients - \$1,882
- Finance – To appropriate funds to increase revenues and expenditures for audit discoveries



Commissioner Mitchell moved approval of the budget amendments as presented. The motion was seconded by Commissioner Pierce and passed unanimously.

**8. ADJOURNMENT**

There being no further business to come before the Board, Commissioner Barber moved to adjourn at 6:41 p.m. The motion was seconded by Commissioner Pierce and passed unanimously.

Respectfully Submitted,

Carolyn Barger, CMC, NCCCC  
Clerk to the Board/  
Assistant to the County Manager